

Regular Council meeting of March 20, 2012.

Present Were: Councilmembers Koepke, Naillon, Neal, Hart and Roley.

Absent: Mayor Spieth.

Meeting called to order by Mayor Pro Tempore Hart. Pledge of Allegiance given. Copies of the March 6th meeting minutes were read and approved after the Clerk clarified the appointment of Roley to the Health Board was actually a nomination.

Stan and Tina Janowicz presented information on this year's Run to the Border event, which will be held on May 19th. This year will be the 10th Annual Run and the purpose is to help honorable discharged Vets and their families, assisting with physical, financial and emotion and needs. Stan highlighted some of the ways the group has helped Vets this past year which included food baskets at Thanksgiving and Christmas; travel expenses to VA hospitals in Spokane and Seattle; and assistance with funds for phone cards and gas. Stan then requested the same "parking" and road closures for the event, the same plan as the last 7 years. Council agreed with the plan and extended their welcome to the returning riders.

Public Hearing on Medical Cannabis. Mayor Pro Tem Hart stated "The public hearing to consider the moratorium on dispensaries and collective gardens for the purpose of providing medical marijuana to patients is hereby open. The City Council invoked a moratorium, as provided for by RCW 35A.63.220, medical marijuana businesses in January to allow the City time to research the potential impacts of such businesses on the residents of the city, to allow more guidance information from the state and federal government level, and to allow time for the City Planning Agency to consider means to appropriately regulate such businesses, if the City Council directs the Planning Agency to prepare and submit recommendations. A public hearing must be conducted within 60 days of adopting moratoriums. The Moratorium has been established for a 6 month period which time may be extended, if necessary, or rescinded, after additional public hearings are conducted. This will provide background for the Council to make a decision whether to continue the moratorium."

Chief Warnstaff presented background on RCW 69.51A / Medical Cannabis Moratorium. State law became effective July 22, 2011 and allows individual/collective gardens. Oroville adopts a moratorium specifically on the establishment of collective gardens for the purpose allowing the city time to study the impacts of collective gardens on the citizens of Oroville.

Warnstaff then highlighted findings that he and Branch have discovered during research:

City Attorney Howe advised that collective gardens should not be allowed as marijuana is still illegal per the controlled substance act of the federal government regardless of state law.

City of Shoreline adopts a city ordinance to manage collective gardens within its city limits (first known city to adopt such an ordinance).

December 2, 2011, Clark County Washington Commissioners submit a letter to Eric Holder, US Attorney General, soliciting his opinion on the subject of marijuana collective gardens being legalized in the State of Washington.

January 22, 2012 response from US Attorney General Holder to Clark County Commissioners and Holder advises that the possession, cultivation and delivery of marijuana is illegal in the United States regardless of what a state passes to the contrary. The letter further states that those involved in this activity can be charged criminally, including the seizure of assets.

Warnstaff reported on the city staff's concerns, such as how will the adoption of a city ordinance that allows collective gardens affect Oroville's involvement in contracts with the Federal Government on existing grants and the application of future grant; potential increase in crime rates (i.e. home invasions, robberies, burglaries and thefts; and the effects on property values).

Branch then discussed recent findings and recommended the council consider adopting a new moratorium ordinance. The City Council agreed to adopt a new ordinance and hold the public hearing immediately thereafter. Motion by Koepke and seconded by Naillon Ord. #815 an interim ordinance adopting a moratorium re: Medical Marijuana be adopted as read and a summary published. Motion carried.

Hearing opened to public testimony. Debra Donahue asked why the city would consider zoning that would even allow collective gardens and that she thinks they should be prohibited and kept outside city limits. Several councilmen voiced their concerns about how state and federal laws are in conflict.

Hart closed the hearing to public testimony. Motion by Koepke and seconded by Neal the hearing be closed. Motion carried.

Supt. Noel and Branch reported that a draft agreement from CBP was being reviewed; language addressing city concerns needed to be added; that details of location and number of connections needed to be determined and that some of the agreements terminology needed to be changed to better match the city's municipal code.

Branch presented council with updated drafts of the Critical Areas Ordinance; stated that the Planning Commission was having a hearing on it 3/21; commented that during the Staff workshop earlier today that several items were discussed in the draft and that Mayor Spieth had requested a workshop be held with council to discuss the draft. Council set the workshop for 6:00 Tuesday, April 17th (prior to council meeting). Notice to be published about council's workshop.

Branch offered a Community Development Activities Report:

- Airport Zoning – working with county to establish regulations compatible with Oroville airport. County determined that airport zoning should be established per airport.
- Okanogan County Solid Waste Plan being updated.
- Planning Assoc. of WA expanding their education on Land Use. Recently held a "boot camp" on certain land uses and held a mock hearing at the end.
- Tree Board is planning an Arbor Day Event on April 26th
- Oroville Reman & Reload Noise suppression update. Plant is still working on reducing any excessive noises during operations and no new complaints have been received.
- NCW Economic Development District / VIA 97 – Branch reported that work is being done on creating electric charging stations along the 97 corridor.

Jones reported that the city has received notice of being awarded \$437,413 in federal STP funds for overlaying Central Avenue, Main to Cherry and Cherry from Central north to the Cherry Street Bridge. Clerk outlined the steps the city needs to take: Execute Letter of Understanding for Project Administration, which clarifies roles and responsibilities that are required when using federal funds; Amend the 2012-2017 Six Year Transportation Improvement Program; and submit an application to the Transportation Improvement Board for the 13½% match of \$68,267.

Upon approval of the TIB funds, the city can then progress to selection of consulting engineers, with design occurring over the winter and construction later next summer.

Supt. Noel discussed the need to replace the water main in Central before the pavement project. Motion by Koepke and seconded by Roley Mayor Spieth be authorized to sign the Letter of Understanding. Motion carried.

Supt. Noel had requested quotes for servicing the city's portable toilets for the 2012 park season. Two quotes were received: Tibbs Septic Service and Portable Toilet Rentals, \$14.75 per portable toilet service and \$12.00 per toilet service quoted by Scott and Son, LLC. Motion by Koepke and seconded by Neal Scott & Son be awarded the service contract. Motion carried.

Request submitted for ambulance standby at the 3 on 3 Basketball Event on May 12 reviewed. Charges for standby will be waived but a donation would be accepted.

Motion by Koepke and seconded by Roley the vouchers #12984-13009, \$144,068.75 be paid, the March 15th payroll of \$37,986.76, #12959-12979 be approved and the meeting be adjourned at 7:51. Motion carried.

Minutes approved _____
_____ Mayor

Clerk